

# Exhibit 5

**Blue Spike – Monitoring and Analyzing Signals – U.S. Patent 7,660,700**

**Preliminary Infringement Claim Chart**

Claim	Audible Magic Content Recognition Technology, including its SmartID, CopySense Appliance, CopySense Custom, CopySense Premier, Live TViD, Music-Speech iD, SmartSync, and RepliCheck products and solutions
<p><b>1.</b> An electronic system for monitoring and analyzing at least one signal comprising:</p>	<p>Audible Magic’s content recognition technology (“AM’s CRT”)—found, on information and belief, in its SmartID, CopySense Appliance, CopySense Custom, CopySense Premier, Live TViD, Music-Speech iD, SmartSync, and RepliCheck products and solutions—is a software- and computer-based solution (“electronic system”) for monitoring, identifying, and measuring (“monitoring and analyzing”) audio and video content (“at least one signal”).</p> <p><b>About Audible Magic</b></p> <p><b>Our mission is to deliver the most trusted and accurate <u>content identification technology</u> and solution services on the market.</b></p> <p>As the industry pioneer, <b>Audible Magic is recognized as the de facto leader in monetizing, protecting, measuring, and verifying content</b> — in all their forms, including radio and television broadcasts, Internet and satellite streams, stored digital files, consumer devices and via network file transfers.</p> <p>Innovative and massively scalable, <b>Audible Magic's patented "fingerprinting" technology accurately tracks and monitors the detection of copyrighted material or any other audio or video-based content.</b> Coupled with our unique and dynamic database of more than 11 million digital fingerprints, Audible Magic's CopySense® products and technology provide copyright-sensitive identification that weeds out the noise and yields highly accurate tracking of your copyrighted content.</p> <p>Our technology has paved the way for a wide - and growing - range of solutions in media identification and ad detection, compliance, monetization and management, anti-piracy, content registration, and litigation support. And each year, more customers recognize Audible Magic as a brand they can trust.</p> <p>See Exhibit 1, Audible Magic’s “About” webpage, <a href="http://audiblemagic.com/company.php">http://audiblemagic.com/company.php</a> (emphasis added).</p>

### **User Generated Content Services**

Respecting copyrights for music, movies and televisions is a big deal. Copyright owners are more willing to license content and help you monetize your services when you implemented programs that respect copyrights. It also helps minimize legal problems.

**Turn to Audible Magic's turnkey compliance and filtering solutions for highly accurate, automated copyright recognition (ACR) to help eliminate risk and respect copyrighted works. Recognize master recordings of major music and indie record labels as well as movie and television studios using our digital fingerprinting technology.** Copyright owners, such as music labels and movie and TV studios register their content they want protected directly with Audible Magic. This content is included in our Global Rights Registry™ that contains more than 12 million fingerprints, and represents over 900,000 hours of copyrighted songs, movies, television shows, and other video content. Audible Magic services are often the prerequisite for licensing content. Enable content substitution, purchase link or allow advertising on user content identified by **content identification technology**. Add our metadata to enhance the user experience.

*See Exhibit 2, Audible Magic's "Copyright Compliance" webpage, <http://audiblemagic.com/solutions-maincompliance.php> (emphasis added).*

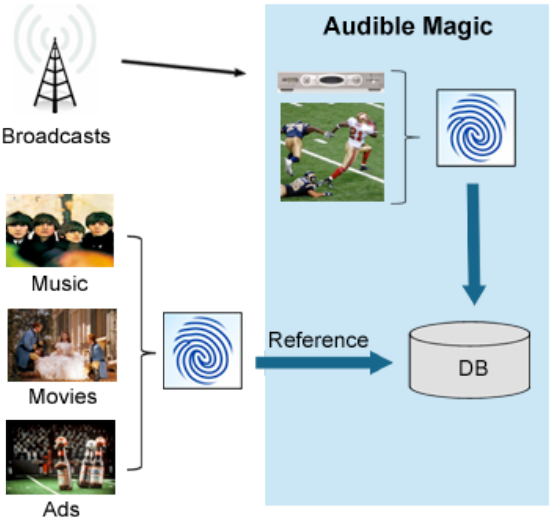
### **Broadcast Monitoring**

**Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic's Automated Content Recognition (ACR) technology. This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to determine precisely when, where and how their content is being used.**

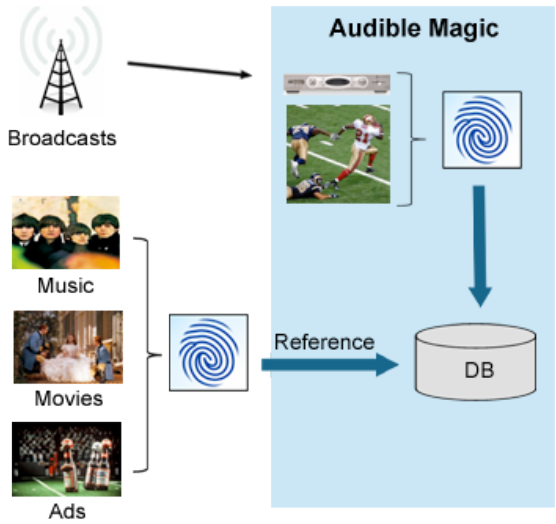
The fingerprint technology uses very fast and fine-grained measurements of the content, which is then matched to a reference database of fingerprints to quickly identify the content as it is being broadcast. This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the rights of your intellectual property

*See Exhibit 3, Audible Magic's "Broadcast Monitoring" webpage, <http://audiblemagic.com/solutions-broadcast.php>*

	(emphasis added).
a first input that receives at least one reference signal to be monitored;	<p>AM's CRT includes an input (it is obvious to anyone skilled in the art that an input must be used to receive content, "a first input") that receives content ("at least one reference signal") to be monitored.</p> <p><b>User Generated Content Services</b></p> <p>Respecting copyrights for music, movies and televisions is a big deal. Copyright owners are more willing to license content and help you monetize your services when you implemented programs that respect copyrights. It also helps minimize legal problems.</p> <p>Turn to Audible Magic's turnkey compliance and filtering solutions for highly accurate, automated copyright recognition (ACR) to help eliminate risk and respect copyrighted works. Recognize master recordings of major music and indie record labels as well as movie and television studios using our digital fingerprinting technology. <b>Copyright owners, such as music labels and movie and TV studios register their content they want protected directly with Audible Magic.</b> This content is included in our Global Rights Registry™ that contains more than 12 million fingerprints, and represents over 900,000 hours of copyrighted songs, movies, television shows, and other video content. Audible Magic services are often the prerequisite for licensing content. Enable content substitution, purchase link or allow advertising on user content identified by content identification technology. Add our metadata to enhance the user experience.</p> <p>See Exhibit 2, Audible Magic's "Copyright Compliance" webpage, <a href="http://audiblemagic.com/solutions-maincompliance.php">http://audiblemagic.com/solutions-maincompliance.php</a> (emphasis added).</p>
a first processor that creates an abstract of each reference signal input to said first processor through said first input wherein the abstract comprises signal characteristic parameters configured to differentiate between a plurality of versions of the reference signal;	<p>AM's CRT includes a processor (it is obvious to anyone skilled in the art that a processor is used to execute the technology's algorithms, "a first processor") that generates a fingerprint ("creates an abstract") from each piece of content ("reference signal") input to it. The fingerprint comprises "perceptual characteristics" ("signal characteristic parameters") that accurately identify the content (are "configured to differentiate between a plurality of versions of the reference signal").</p> <p><b>Robust SmartID and CopySense Technology</b></p> <p><b>Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses "digital fingerprint-based" technology to accurately identify content using audio signals. Identification is based on the perceptual characteristics of the audio itself which allows it to</b></p>

	<p><b><u>accurately identify content across file formats, codecs, bitrates, and compression techniques.</u></b>  This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.</p> <p>See Exhibit 4, Audible Magic’s “Technology Overview” webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a> (emphasis added).</p>  <p>See Exhibit 3, Audible Magic’s “Broadcast Monitoring” webpage, <a href="http://audiblemagic.com/solutions-broadcast.php">http://audiblemagic.com/solutions-broadcast.php</a> (emphasis added).</p>
<p>a second input that receives at least one query signal to be analyzed,</p>	<p>AM’s CRT includes an input (it is obvious to anyone skilled in the art that an input must be used to receive the unknown content, “a second input”) that receives unknown content (“at least one query signal”) to be identified (“analyzed”).</p> <p><b>Broadcast Monitoring</b></p> <p><b><u>Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic’s Automated Content Recognition (ACR) technology.</u></b> This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to determine precisely when, where and how their content is being used.</p>

	<p>The fingerprint technology uses very fast and fine-grained measurements of the content, which is then matched to a reference database of fingerprints to quickly identify the content as it is being broadcast. This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the rights of your intellectual property</p> <p><i>See Exhibit 3, Audible Magic’s “Broadcast Monitoring” webpage, <a href="http://audiblemagic.com/solutions-broadcast.php">http://audiblemagic.com/solutions-broadcast.php</a> (emphasis added).</i></p>
<p>a second processor that creates an abstract of each query signal wherein the abstract comprises signal characteristic parameters of the query signal;</p>	<p>AM’s CRT includes a processor (it is obvious to anyone skilled in the art that a processor is used to execute the technology’s algorithms, “a second processor”) that generates a fingerprint (“creates an abstract”) from the unknown content (“query signal”). The fingerprint comprises “perceptual characteristics” (“signal characteristic parameters”) that accurately identify the content (are “configured to differentiate between a plurality of versions of the reference signal”).</p> <p><b>Robust SmartID and CopySense Technology</b></p> <p><b>Audible Magic’s patented SmartID and CopySense automated content recognition (ACR) uses “digital fingerprint-based” technology to accurately identify content using audio signals. Identification is based on the perceptual characteristics of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques.</b> This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.</p> <p><i>See Exhibit 4, Audible Magic’s “Technology Overview” webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a> (emphasis added).</i></p>

	 <p>See Exhibit 3, Audible Magic’s “Broadcast Monitoring” webpage, <a href="http://audiblemagic.com/solutions-broadcast.php">http://audiblemagic.com/solutions-broadcast.php</a> (emphasis added).</p>
<p>a reference database that stores abstracts of each at least one reference signal;</p>	<p>AM’s CRT includes a database called the Global Rights Registry (“a reference database”) that stores the fingerprints (“abstracts”) of the content it monitors (“at least one reference signal”).</p> <p><b>User Generated Content Services</b></p> <p>Respecting copyrights for music, movies and televisions is a big deal. Copyright owners are more willing to license content and help you monetize your services when you implemented programs that respect copyrights. It also helps minimize legal problems.</p> <p>Turn to Audible Magic’s turnkey compliance and filtering solutions for highly accurate, automated copyright recognition (ACR) to help eliminate risk and respect copyrighted works. Recognize master recordings of major music and indie record labels as well as movie and television studios using our digital fingerprinting technology. Copyright owners, such as music labels and movie and TV studios register their content they want protected directly with Audible Magic. <b>This content is included in our Global Rights Registry™ that contains more than 12 million fingerprints, and represents over 900,000 hours of copyrighted songs, movies, television shows, and other video content.</b> Audible Magic services are often the prerequisite for licensing content. Enable content substitution,</p>

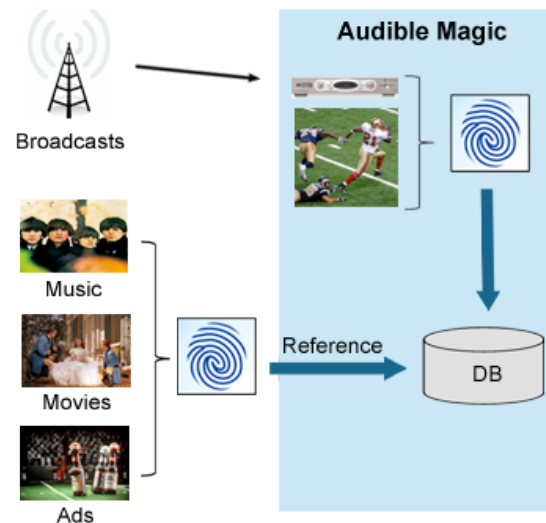
purchase link or allow advertising on user content identified by **content identification technology**. Add our metadata to enhance the user experience.

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### **Broadcast Monitoring**

Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic's Automated Content Recognition (ACR) technology. This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to determine precisely when, where and how their content is being used.

**The fingerprint technology uses** very fast and fine-grained measurements of the content, which is then matched to **a reference database of fingerprints** to quickly identify the content as it is being broadcast. This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the rights of your intellectual property.



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a comparing device that compares an abstract of said at least one query signal to the abstracts stored in the reference database to determine if the abstract of said at least one query signal matches any of the stored abstracts wherein a match indicates the query signal is a version of at least one of the reference signals.

AM's CRT includes a device ("a comparing device") that compares the fingerprint created from the unknown content ("abstract of said at least one query signal") to the fingerprints in the reference database ("abstracts stored in the reference database") to determine if there is a match, wherein a match indicates that the query signal is a version of at least one of the reference signals.

#### **Broadcast Monitoring**

Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic's Automated Content Recognition (ACR) technology. This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to determine precisely when, where and how their content is being used.

**The fingerprint technology uses very fast and fine-grained measurements of the content, which is then matched to a reference database of fingerprints to quickly identify the content as it is being broadcast.** This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the rights of your intellectual property

See Exhibit 3, Audible Magic's "Broadcast Monitoring" webpage, <http://audiblemagic.com/solutions-broadcast.php> (emphasis added).

#### **Robust SmartID and CopySense Technology**

**Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses "digital fingerprint-based" technology to accurately identify content using audio signals.** Identification is based on the perceptual characteristics of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques. This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.

See Exhibit 4, Audible Magic's "Technology Overview" webpage, <http://audiblemagic.com/technology.php> (emphasis added).

2. The system of claim 1, wherein said second input is remotely coupled to the system.	As established above, AM's CRT infringes Claim 1, and, on information and belief, the second input is remotely coupled to the system. Further discovery will be needed to chart the infringing instrumentality specifically.
3. The system of claim 1, wherein said second processor is remotely coupled to the system.	As established above, AM's CRT infringes Claim 1, and, on information and belief, the second processor is remotely coupled to the system. Further discovery will be needed to chart the infringing instrumentality specifically.
4. The system of claim 1, wherein the system transmits the parameters that are being used by the first processor to the second processor.	As established above, AM's CRT infringes Claim 1, and, on information and belief, transmits the parameters that are being used by the first processor to the second processor so that the same parameters are used for the creation of both the reference signal abstracts and the query signal abstracts. Further discovery will be needed to chart the infringing instrumentality.
5. The system of claim 1, wherein the stored abstracts comprise a self-similar representation of at least one reference signal.	As established above, AM's CRT infringes Claim 1, and, on information and belief, the stored abstracts comprise a self-similar representation of at least one reference signal. Further discovery will be needed to chart the infringing instrumentality.
6. The system of claim 1, wherein at least two of the stored abstracts comprise information corresponding to two versions of at least one reference signal.	As established above, AM's CRT infringes Claim 1, and, on information and belief, at least two of the stored abstracts comprise information corresponding to two versions of at least one reference signal. Further discovery will be needed to chart the infringing instrumentality.
7. The system of claim 1, wherein the stored abstracts comprise data describing a portion of the characteristics of its associated reference signal.	<p>As established above, AM's CRT infringes Claim 1, and, on information and belief, the stored abstracts comprise data describing a portion of the characteristics of its associated reference signal. Further discovery will be needed to chart the infringing instrumentality, but the following indicates infringement:</p> <p><b>Identification is possible with audio clips as short as 10 seconds.</b> Identification rates are in excess of 99% with zero false positives. Transaction requests can achieve sub-second response time,</p>

	<p>enabling massive scaling, even with reference databases in excess of 1 million hours of content.</p> <p><i>See</i> Exhibit 4, Audible Magic's "Technology Overview" webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a> (emphasis added).</p>
<p><b>8.</b> The system of claim 7, wherein the characteristics of the reference signal being described comprise at least one of a perceptible characteristic, a cognitive characteristic, a subjective characteristic, a perceptual quality, a recognizable characteristic or combinations thereof.</p>	<p>As established above, AM's CRT infringes Claim 7, and the characteristics of the reference signal being described comprise at least one of a perceptible characteristic, a cognitive characteristic, a subjective characteristic, a perceptual quality, a recognizable characteristic or combinations thereof.</p> <p><b>Robust SmartID and CopySense Technology</b></p> <p>Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses "digital fingerprint-based" technology to accurately identify content using audio signals. <b>Identification is based on the perceptual characteristics of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques.</b> This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.</p> <p><i>See</i> Exhibit 4, Audible Magic's "Technology Overview" webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a> (emphasis added).</p>
<p><b>9.</b> The system of claim 1, wherein each stored abstract comprises data unique to each variation of its corresponding reference signal.</p>	<p>As established above, AM's CRT infringes Claim 1, and, on information and belief, an abstract stored by the system comprises data unique to each variation of its corresponding reference signal. Further discovery will be needed to chart the infringing instrumentality.</p>
<p><b>10.</b> The system of claim 1, wherein the system applies a cryptographic protocol to the abstract of said reference signal, said query signal, or both said reference signal and said query signal.</p>	<p>As established above, AM's CRT infringes Claim 1, and, on information and belief, applies a cryptographic protocol to the reference signal abstracts and/or query signal abstracts. Further discovery will be needed to chart the infringing instrumentality.</p>

<p><b>11.</b> The system of claim 10, wherein the cryptographic protocol is one of at least a hash or digital signature and further comprising storing the hashed abstract and/or digitally signed abstract.</p>	<p>As established above, AM's CRT infringes Claim 10, and, on information and belief, the cryptographic protocol is one of at least a hash or digital signature and further comprises storing the hashed abstract and/or digitally signed abstract. Further discovery will be needed to chart the infringing instrumentality.</p>
<p><b>13.</b> The system of claim 1, wherein the match indicates that the abstract of the query signal comprises the same perceptual characteristics as the abstract of the matched one of the reference signals.</p>	<p>As established above, AM's CRT infringes Claim 1, and, on information and belief, a match indicates that the query signal abstract comprises the same perceptual characteristics as the abstract of the matched reference signal. Further discovery will be needed to chart the infringing instrumentality, but the following indicates infringement:</p> <p style="text-align: center;"><b>Robust SmartID and CopySense Technology</b></p> <p>Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses "digital fingerprint-based" technology to accurately identify content using audio signals. <b>Identification is based on the <u>perceptual characteristics</u> of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques.</b> This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.</p> <p>See Exhibit 4, Audible Magic's "Technology Overview" webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a> (emphasis added).</p>
<p><b>14.</b> The system of claim 1, wherein the parameters comprise commonly perceptible features.</p>	<p>As established above, AM's CRT infringes Claim 1, and, on information and belief, the signal characteristic parameters used by the system to generate abstracts are commonly perceptible features. Further discovery will be needed to chart the infringing instrumentality, but the following indicates infringement:</p> <p style="text-align: center;"><b>Robust SmartID and CopySense Technology</b></p> <p>Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses "digital fingerprint-based" technology to accurately identify content using audio signals. <b>Identification is based on the <u>perceptual characteristics</u> of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques.</b> This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes.</p>

	<p>It is also immune to many typical transformations.</p> <p><i>See</i> Exhibit 4, Audible Magic’s “Technology Overview” webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a> (emphasis added).</p>
<p><b>15.</b> The system of claim 1, wherein the commonly perceptible features are selected.</p>	<p>As established above, AM’s CRT infringes Claim 1, and, on information and belief, the commonly perceptible features are selected. Further discovery will be needed to chart the infringing instrumentality, but the following indicates infringement:</p> <p style="text-align: center;"><b>Robust SmartID and CopySense Technology</b></p> <p>Audible Magic’s patented SmartID and CopySense automated content recognition (ACR) uses “digital fingerprint-based” technology to accurately identify content using audio signals. <b>Identification is based on the perceptual characteristics of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques.</b> This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.</p> <p><i>See</i> Exhibit 4, Audible Magic’s “Technology Overview” webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a> (emphasis added).</p>
<p><b>16.</b> The system of claim 1, wherein said first and said second processors are the same processor.</p>	<p>As established above, AM’s CRT infringes Claim 1, and, on information and belief, the first and second processors used by the system are, in some iterations, the same processor. Further discovery will be needed to chart the infringing instrumentality.</p>
<p><b>17.</b> The system of claim 1, wherein the first processor and the second processor are different processors.</p>	<p>As established above, AM’s CRT infringes Claim 1, and, on information and belief, the first and second processors used are, in some iterations, different processors. Further discovery will be needed to chart the infringing instrumentality.</p>
<p><b>18.</b> A method for monitoring the distribution of data signals, comprising:</p>	<p>Audible Magic’s content recognition technology (“AM’s CRT”)—found, on information and belief, in its SmartID, CopySense Appliance, CopySense Custom, CopySense Premier, Live TViD, Music-Speech iD, SmartSync, and RepliCheck products and solutions—is a software- and computer-based solution (“method”) for monitoring, identifying, and measuring (“monitoring”) the broadcasting and distribution of audio and video content (“the distribution of data</p>

40. A process for analyzing and identifying at least one signal, comprising:

Audible Magic's content recognition technology ("AM's CRT")—found, on information and belief, in its SmartID, CopySense Appliance, CopySense Custom, CopySense Premier, Live TViD, Music-Speech iD, SmartSync, and RepliCheck products and solutions—is a software- and computer-based solution ("process") for monitoring, identifying, and measuring ("analyzing and identifying") audio and video content ("at least one signal").

**About Audible Magic**

**Our mission is to deliver the most trusted and accurate content identification technology and solution services on the market.**

As the industry pioneer, **Audible Magic is recognized as the de facto leader in monetizing, protecting, measuring, and verifying content** — in all their forms, including radio and television broadcasts, Internet and satellite streams, stored digital files, consumer devices and via network file transfers.

Innovative and massively scalable, **Audible Magic's patented "fingerprinting" technology accurately tracks and monitors the detection of copyrighted material or any other audio or video-based content.** Coupled with our unique and dynamic database of more than 11 million digital fingerprints, Audible Magic's CopySense® products and technology provide copyright-sensitive identification that weeds out the noise and yields highly accurate tracking of your copyrighted content.

Our technology has paved the way for a wide - and growing - range of solutions in media identification and ad detection, compliance, monetization and management, anti-piracy, content registration, and litigation support. And each year, more customers recognize Audible Magic as a brand they can trust.

See Exhibit 1, Audible Magic's "About" webpage, <http://audiblemagic.com/company.php> (emphasis added).

**User Generated Content Services**

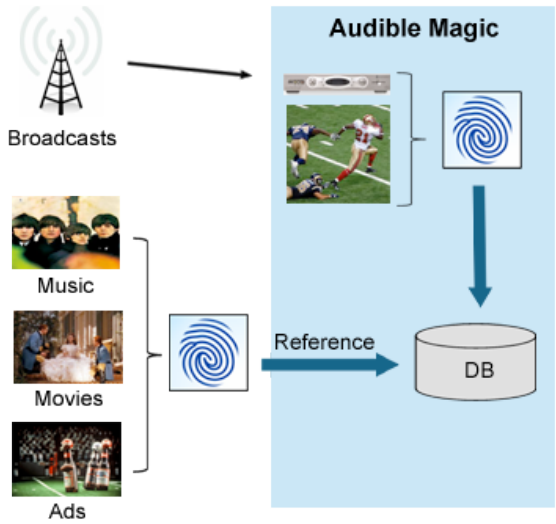
Respecting copyrights for music, movies and televisions is a big deal. Copyright owners are more willing to license content and help you monetize your services when you implemented programs that respect copyrights. It also helps minimize legal problems.

**Turn to Audible Magic's turnkey compliance and filtering solutions for highly accurate, automated copyright recognition (ACR) to help eliminate risk and respect copyrighted works.**

	<p><b>Recognize master recordings of major music and indie record labels as well as movie and television studios using our digital fingerprinting technology.</b> Copyright owners, such as music labels and movie and TV studios register their content they want protected directly with Audible Magic. This content is included in our Global Rights Registry™ that contains more than 12 million fingerprints, and represents over 900,000 hours of copyrighted songs, movies, television shows, and other video content. Audible Magic services are often the prerequisite for licensing content. Enable content substitution, purchase link or allow advertising on user content identified by <b>content identification technology</b>. Add our metadata to enhance the user experience.</p> <p><i>See Exhibit 2, Audible Magic’s “Copyright Compliance” webpage, <a href="http://audiblemagic.com/solutions-maincompliance.php">http://audiblemagic.com/solutions-maincompliance.php</a> (emphasis added).</i></p> <p><b>Broadcast Monitoring</b></p> <p><b><u>Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic’s Automated Content Recognition (ACR) technology. This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to determine precisely when, where and how their content is being used.</u></b></p> <p>The fingerprint technology uses very fast and fine-grained measurements of the content, which is then matched to a reference database of fingerprints to quickly identify the content as it is being broadcast. This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the rights of your intellectual property</p> <p><i>See Exhibit 3, Audible Magic’s “Broadcast Monitoring” webpage, <a href="http://audiblemagic.com/solutions-broadcast.php">http://audiblemagic.com/solutions-broadcast.php</a> (emphasis added).</i></p>
<p>receiving at least one reference signal to be identified,</p>	<p>AM’s CRT receives content (“at least one reference signal”) to be monitored (“identified”).</p> <p><b>User Generated Content Services</b></p> <p>Respecting copyrights for music, movies and televisions is a big deal. Copyright owners are more willing to license content and help you monetize your services when you implemented programs that respect copyrights. It also helps minimize legal problems.</p> <p>Turn to Audible Magic’s turnkey compliance and filtering solutions for highly accurate, automated</p>

	<p>copyright recognition (ACR) to help eliminate risk and respect copyrighted works. Recognize master recordings of major music and indie record labels as well as movie and television studios using our digital fingerprinting technology. <b>Copyright owners, such as music labels and movie and TV studios register their content they want protected directly with Audible Magic.</b> This content is included in our Global Rights Registry™ that contains more than 12 million fingerprints, and represents over 900,000 hours of copyrighted songs, movies, television shows, and other video content. Audible Magic services are often the prerequisite for licensing content. Enable content substitution, purchase link or allow advertising on user content identified by content identification technology. Add our metadata to enhance the user experience.</p> <p><i>See Exhibit 2, Audible Magic’s “Copyright Compliance” webpage, <a href="http://audiblemagic.com/solutions-maincompliance.php">http://audiblemagic.com/solutions-maincompliance.php</a> (emphasis added).</i></p>
<p>creating an abstract of each reference signal received based on perceptual characteristics representative of parameters to differentiate between versions of the reference signal;</p>	<p>AM’s CRT generates a fingerprint (“creates an abstract”) from each piece of content (“reference signal”) based on “perceptual characteristics” (“perceptual characteristics representative of parameters”) that accurately identify the content (“differentiate between versions of the reference signal”).</p> <p><b>Robust SmartID and CopySense Technology</b></p> <p><b>Audible Magic’s patented SmartID and CopySense automated content recognition (ACR) uses “digital fingerprint-based” technology to accurately identify content using audio signals. Identification is based on the perceptual characteristics of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques.</b> This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.</p> <p><i>See Exhibit 4, Audible Magic’s “Technology Overview” webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a> (emphasis added).</i></p>



	 <p>See Exhibit 3, Audible Magic’s “Broadcast Monitoring” webpage, <a href="http://audiblemagic.com/solutions-broadcast.php">http://audiblemagic.com/solutions-broadcast.php</a> (emphasis added).</p>
<p>storing abstracts of each reference signal received in a database;</p>	<p>AM’s CRT stores the fingerprints (“abstracts”) of the content (“each reference signal received”) in a database called the Global Rights Registry (“a database”).</p> <p><b>User Generated Content Services</b></p> <p>Respecting copyrights for music, movies and televisions is a big deal. Copyright owners are more willing to license content and help you monetize your services when you implemented programs that respect copyrights. It also helps minimize legal problems.</p> <p>Turn to Audible Magic’s turnkey compliance and filtering solutions for highly accurate, automated copyright recognition (ACR) to help eliminate risk and respect copyrighted works. Recognize master recordings of major music and indie record labels as well as movie and television studios using our digital fingerprinting technology. Copyright owners, such as music labels and movie and TV studios register their content they want protected directly with Audible Magic. <b><u>This content is included in our Global Rights Registry™ that contains more than 12 million fingerprints, and represents over 900,000 hours of copyrighted songs, movies, television shows, and other video content.</u></b> Audible Magic services are often the prerequisite for licensing content. Enable content substitution,</p>

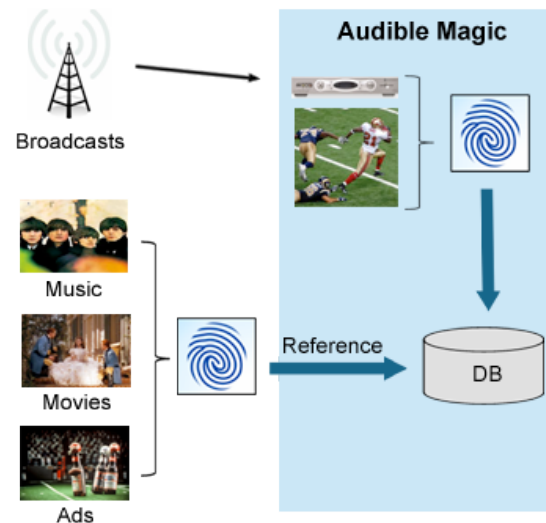
purchase link or allow advertising on user content identified by **content identification technology**. Add our metadata to enhance the user experience.

See Exhibit 2, Audible Magic's "Copyright Compliance" webpage, <http://audiblemagic.com/solutions-maincompliance.php> (emphasis added).

### **Broadcast Monitoring**

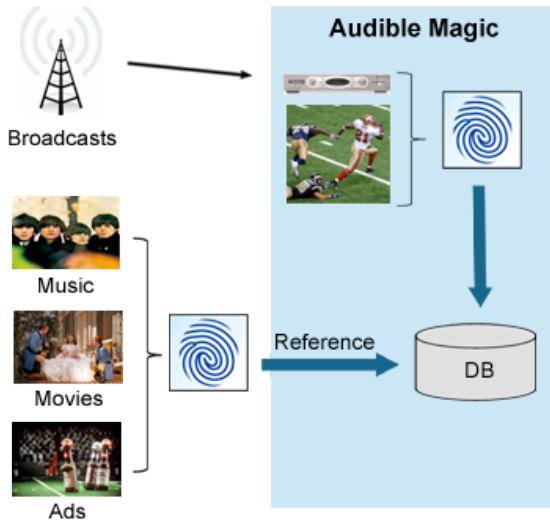
Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic's Automated Content Recognition (ACR) technology. This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to determine precisely when, where and how their content is being used.

**The fingerprint technology uses** very fast and fine-grained measurements of the content, which is then matched to **a reference database of fingerprints** to quickly identify the content as it is being broadcast. This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the rights of your intellectual property.



See Exhibit 3, Audible Magic's "Broadcast Monitoring" webpage, <http://audiblemagic.com/solutions-broadcast.php> (emphasis added).

receiving at least one query signal to be identified,	<p>AM's CRT receives unknown content ("at least one query signal") to be identified.</p> <p><b>Broadcast Monitoring</b></p> <p><b><u>Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic's Automated Content Recognition (ACR) technology.</u></b> This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to determine precisely when, where and how their content is being used.</p> <p>The fingerprint technology uses very fast and fine-grained measurements of the content, which is then matched to a reference database of fingerprints to quickly identify the content as it is being broadcast. This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the rights of your intellectual property</p> <p>See Exhibit 3, Audible Magic's "Broadcast Monitoring" webpage, <a href="http://audiblemagic.com/solutions-broadcast.php">http://audiblemagic.com/solutions-broadcast.php</a> (emphasis added).</p>
creating an abstract of the received query signal based on the parameters; and	<p>AM's CRT generates a fingerprint ("creates an abstract") from the unknown content ("received query signal") based on the same parameters used to create the reference signal abstract.</p> <p><b>Robust SmartID and CopySense Technology</b></p> <p><b>Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses "<u>digital fingerprint-based</u>" technology to accurately identify content using audio signals. Identification is based on the <u>perceptual characteristics</u> of the audio itself which allows it to <u>accurately identify content</u> across file formats, codecs, bitrates, and compression techniques.</b> This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.</p> <p>See Exhibit 4, Audible Magic's "Technology Overview" webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a> (emphasis added).</p>

	 <p>See Exhibit 3, Audible Magic’s “Broadcast Monitoring” webpage, <a href="http://audiblemagic.com/solutions-broadcast.php">http://audiblemagic.com/solutions-broadcast.php</a> (emphasis added).</p>
<p>comparing an abstract of said received query signal to the abstracts stored in the database to determine if the abstract of said received query signal is related to any of the stored abstracts.</p>	<p>AM’s CRT compares a fingerprint created from the unknown content (“abstract of said received query signal”) to the fingerprints stored in the reference database (“abstracts stored in the database”) to determine if it is related.</p> <p><b>Broadcast Monitoring</b></p> <p>Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic’s Automated Content Recognition (ACR) technology. This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to determine precisely when, where and how their content is being used.</p> <p><b>The fingerprint technology uses very fast and fine-grained measurements of the content, which is then <u>matched</u> to a reference database of fingerprints to quickly identify the content as it is being broadcast.</b> This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the rights of your intellectual property</p> <p>See Exhibit 3, Audible Magic’s “Broadcast Monitoring” webpage, <a href="http://audiblemagic.com/solutions-broadcast.php">http://audiblemagic.com/solutions-broadcast.php</a> (emphasis added).</p>

stored abstracts comprise information corresponding to two versions of at least one reference signal.	to chart the infringing instrumentality.
<b>46.</b> The process of claim 40, wherein at least one abstract comprises data describing a portion of the characteristics of its associated reference signal.	As established above, AM's CRT infringes Claim 40, and, on information and belief, at least one abstract comprises data describing a portion of the characteristics of its associated reference signal. Further discovery will be needed to chart the infringing instrumentality.
<b>47.</b> The process of claim 46, wherein the characteristics of the reference signal being described comprise at least one of a perceptible characteristic, a cognitive characteristic, a subjective characteristic, a perceptual quality, a recognizable characteristic or combinations thereof.	As established above, AM's CRT infringes Claim 46, and, on information and belief, the characteristics of the reference signal being described comprise at least one of a perceptible characteristic, a cognitive characteristic, a subjective characteristic, a perceptual quality, a recognizable characteristic or combinations thereof. Further discovery will be needed to chart the infringing instrumentality.
<b>48.</b> The process of claim 40, wherein a stored abstract comprises data unique to a variation of its corresponding reference signal.	As established above, AM's CRT infringes Claim 40, and, on information and belief, a stored abstract comprises data unique to a variation of its corresponding reference signal. Further discovery will be needed to chart the infringing instrumentality.
<b>49.</b> The process of claim 40, wherein the process further comprises applying a cryptographic protocol to the abstract of said reference signal, said query signal, or both said reference signal and	As established above, AM's CRT infringes Claim 40, and, on information and belief, the process further comprises applying a cryptographic protocol to the abstract of said reference signal, said query signal, or both said reference signal and said query signal. Further discovery will be needed to chart the infringing instrumentality.

said query signal.	
<b>50.</b> The process of claim 49, wherein the cryptographic protocol is one of at least a hash or digital signature and further comprising storing the hashed abstract and/or digitally signed abstract.	As established above, AM's CRT infringes Claim 49, and, on information and belief, the cryptographic protocol is one of at least a hash or digital signature and further comprising storing the hashed abstract and/or digitally signed abstract. Further discovery will be needed to chart the infringing instrumentality.
<b>51.</b> The process of claim 40, further comprising distributing at least one signal based on the comparison step.	As established above, AM's CRT infringes Claim 40, and, on information and belief, further comprises distributing at least one signal based on the comparison step. Further discovery will be needed to chart the infringing instrumentality.